

McLeodUSA®

EX PARTE OR LATE FILED

ORIGINAL

RECEIVED & INSPECTED

SEP 26 2003

FCC - MAILROOM

September 25, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: Notice of Ex Parte Communication

Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338

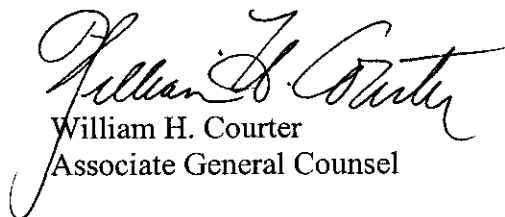
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98

Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Dear Ms. Dortch:

On today's date, the attached letters were delivered, by overnight mail, to each of the individual parties addressed on each letter. Pursuant to the requirements of Section 1.1206 of the Commission's rules, we are filing an electronic copy of this notice.

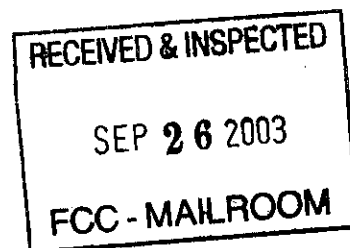
Sincerely,


William H. Courter
Associate General Counsel

Attachments

No. of Originals
List ABOVE

GA/



September 24, 2003

The Honorable Jonathan Adelstein
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Commissioner Adelstein:

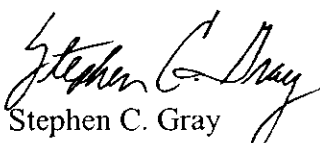
We strongly urge the FCC to reject any further attempt to relieve the Bell companies of unbundling obligations associated with their recent "Fiber to the Curb" (FTTC) proposals, whether in "greenfield" or "brownfield" scenarios.

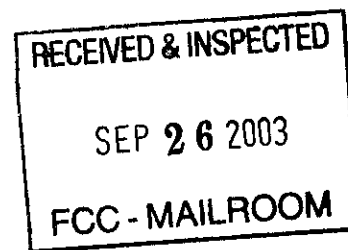
Additional FTTC unbundling relief will seriously jeopardize facilities-based competition that the FCC has previously stated interest in facilitating by prohibiting utilization and access to the hybrid fiber-copper, IDLC architecture. Competitors would be relegated to legacy copper networks that are incapable of offering integrated voice and data services to consumers, and which will be in very short supply and located in non-growth markets. In theory, competitors could choose to completely overbuild the existing telecommunications infrastructure, but this would cost billions of dollars and take decades to accomplish as the FCC well knows. Obviously, this is not a viable choice for competition and consumers. Furthermore, vague FTTC definitions, like Bell South's "at or near the premises" proposal, would invite endless disputes of whether a particular facility qualifies for unbundling and would give the Bell companies significant opportunities to game the regulatory process as a means of avoiding their unbundling obligations.

We also urge the FCC to terminate any consideration of a *sua sponte* reconsideration. If the FCC wants to reconsider FTTC and other substantive issues, we respectfully urge you to conduct a fully transparent process through formal reconsideration procedures that ensures a fair and equal opportunity for all interested parties to participate.

Finally, we will contact your office tomorrow and attempt to schedule a telephone meeting with you.

Sincerely,


Stephen C. Gray
President



September 24, 2003

The Honorable Kevin Martin
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Commissioner Martin:

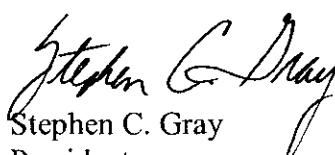
We strongly urge the FCC to reject any further attempt to relieve the Bell companies of unbundling obligations associated with their recent "Fiber to the Curb" (FTTC) proposals, whether in "greenfield" or "brownfield" scenarios.

Additional FTTC unbundling relief will seriously jeopardize facilities-based competition that the FCC has previously stated interest in facilitating by prohibiting utilization and access to the hybrid fiber-copper, IDLC architecture. Competitors would be relegated to legacy copper networks that are incapable of offering integrated voice and data services to consumers, and which will be in very short supply and located in non-growth markets. In theory, competitors could choose to completely overbuild the existing telecommunications infrastructure, but this would cost billions of dollars and take decades to accomplish as the FCC well knows. Obviously, this is not a viable choice for competition and consumers. Furthermore, vague FTTC definitions, like Bell South's "at or near the premises" proposal, would invite endless disputes of whether a particular facility qualifies for unbundling and would give the Bell companies significant opportunities to game the regulatory process as a means of avoiding their unbundling obligations.

We also urge the FCC to terminate any consideration of a *sua sponte* reconsideration. If the FCC wants to reconsider FTTC and other substantive issues, we respectfully urge you to conduct a fully transparent process through formal reconsideration procedures that ensures a fair and equal opportunity for all interested parties to participate.

Finally, we will contact your office tomorrow and attempt to schedule a telephone meeting with you.

Sincerely,


Stephen C. Gray
President



September 24, 2003

The Honorable Michael Copps
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Commissioner Copps:

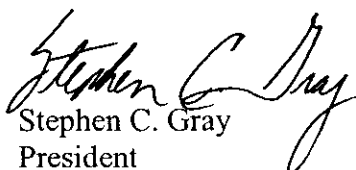
We strongly urge the FCC to reject any further attempt to relieve the Bell companies of unbundling obligations associated with their recent "Fiber to the Curb" (FTTC) proposals, whether in "greenfield" or "brownfield" scenarios.

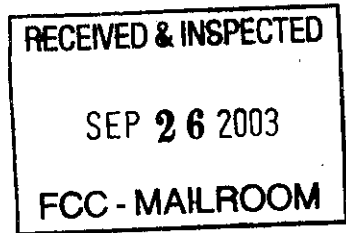
Additional FTTC unbundling relief will seriously jeopardize facilities-based competition that the FCC has previously stated interest in facilitating by prohibiting utilization and access to the hybrid fiber-copper, IDLC architecture. Competitors would be relegated to legacy copper networks that are incapable of offering integrated voice and data services to consumers, and which will be in very short supply and located in non-growth markets. In theory, competitors could choose to completely overbuild the existing telecommunications infrastructure, but this would cost billions of dollars and take decades to accomplish as the FCC well knows. Obviously, this is not a viable choice for competition and consumers. Furthermore, vague FTTC definitions, like Bell South's "at or near the premises" proposal, would invite endless disputes of whether a particular facility qualifies for unbundling and would give the Bell companies significant opportunities to game the regulatory process as a means of avoiding their unbundling obligations.

We also urge the FCC to terminate any consideration of a *sua sponte* reconsideration. If the FCC wants to reconsider FTTC and other substantive issues, we respectfully urge you to conduct a fully transparent process through formal reconsideration procedures that ensures a fair and equal opportunity for all interested parties to participate.

Finally, we will contact your office tomorrow and attempt to schedule a telephone meeting with you.

Sincerely,


Stephen C. Gray
President



September 24, 2003

The Honorable Kathleen Abernathy
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Commissioner Abernathy:

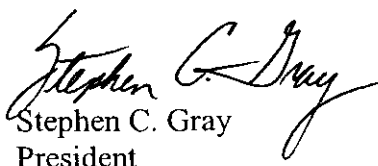
We strongly urge the FCC to reject any further attempt to relieve the Bell companies of unbundling obligations associated with their recent "Fiber to the Curb" (FTTC) proposals, whether in "greenfield" or "brownfield" scenarios.

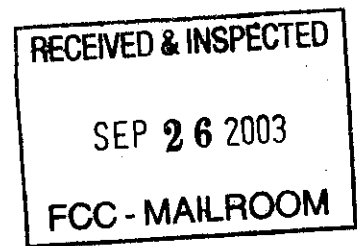
Additional FTTC unbundling relief will seriously jeopardize facilities-based competition that the FCC has previously stated interest in facilitating by prohibiting utilization and access to the hybrid fiber-copper, IDLC architecture. Competitors would be relegated to legacy copper networks that are incapable of offering integrated voice and data services to consumers, and which will be in very short supply and located in non-growth markets. In theory, competitors could choose to completely overbuild the existing telecommunications infrastructure, but this would cost billions of dollars and take decades to accomplish as the FCC well knows. Obviously, this is not a viable choice for competition and consumers. Furthermore, vague FTTC definitions, like Bell South's "at or near the premises" proposal, would invite endless disputes of whether a particular facility qualifies for unbundling and would give the Bell companies significant opportunities to game the regulatory process as a means of avoiding their unbundling obligations.

We also urge the FCC to terminate any consideration of a *sua sponte* reconsideration. If the FCC wants to reconsider FTTC and other substantive issues, we respectfully urge you to conduct a fully transparent process through formal reconsideration procedures that ensures a fair and equal opportunity for all interested parties to participate.

Finally, we will contact your office tomorrow and attempt to schedule a telephone meeting with you.

Sincerely,


Stephen C. Gray
President



September 24, 2003

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Powell:

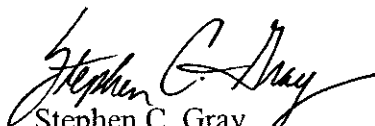
We strongly urge the FCC to reject any further attempt to relieve the Bell companies of unbundling obligations associated with their recent "Fiber to the Curb" (FTTC) proposals, whether in "greenfield" or "brownfield" scenarios.

Additional FTTC unbundling relief will seriously jeopardize facilities-based competition that the FCC has previously stated interest in facilitating by prohibiting utilization and access to the hybrid fiber-copper, IDLC architecture. Competitors would be relegated to legacy copper networks that are incapable of offering integrated voice and data services to consumers, and which will be in very short supply and located in non-growth markets. In theory, competitors could choose to completely overbuild the existing telecommunications infrastructure, but this would cost billions of dollars and take decades to accomplish as the FCC well knows. Obviously, this is not a viable choice for competition and consumers. Furthermore, vague FTTC definitions, like Bell South's "at or near the premises" proposal, would invite endless disputes of whether a particular facility qualifies for unbundling and would give the Bell companies significant opportunities to game the regulatory process as a means of avoiding their unbundling obligations.

We also urge the FCC to terminate any consideration of a *sua sponte* reconsideration. If the FCC wants to reconsider FTTC and other substantive issues, we respectfully urge you to conduct a fully transparent process through formal reconsideration procedures that ensures a fair and equal opportunity for all interested parties to participate.

Finally, we will contact your office tomorrow and attempt to schedule a telephone meeting with you.

Sincerely,


Stephen C. Gray
President